



Vermont's Environmental Common Agenda

Your guide to Vermont's top environmental priorities in 2019

The Vermont Environmental Common Agenda highlights the top environmental priorities and proposed solutions for the 2019 legislative session. This Agenda represents the priorities of a range of environmental organizations across Vermont who are working to engage policy makers and the public on important issues affecting our shared natural resources, our communities, and Vermonters' health.

Vermont Conservation Voters (VCV) and partner groups will advocate for the following priorities in the 2019 legislative session. Votes on these issues will likely be included in VCV's Environmental Scorecard, and VCV will be educating voters on their elected officials' leadership, support, or opposition to these goals.

With a federal administration actively working to dismantle environmental safeguards, civil rights, voting rights, consumer protections, and more, the environmental community is calling on Vermont lawmakers to enact policies and make investments that will ensure our environment, public health, and vulnerable communities are protected.

Top environmental priorities for 2019:

✓ **Implement Climate Solutions that Will Grow Jobs and the Economy and Spur an Equitable Transition to Efficient and Clean Energy Solutions**

✓ **Establish a Long-Term Clean Water Funding Source**

✓ **Enact Policies to Protect Vermonters' Health by Reducing Exposure to Toxic Chemicals in Drinking Water and Consumer Products**

✓ **Modernize Act 250 to Better Address 21st Century Environmental Challenges, to Better Protect our Natural Resources and Working Lands, and to Build Upon our Traditional Settlement Patterns**



Partner organizations supporting the 2019 Environmental Common Agenda:

Vermont Conservation Voters (VCV)
Vermont Natural Resources Council (VNRC)
Vermont Public Interest Research Group (VPIRG)
Conservation Law Foundation (CLF)
Audubon Vermont
Lake Champlain Committee
Toxics Action Center Campaigns
Vermont Businesses for Social Responsibility (VBSR)

The Vermont environmental community's vision for a bright future for Vermont includes working to advance and defend policies that promote health, civil rights, social and economic justice, support all families, protect the environment, and strengthen our democracy.



The Environmental Common Agenda is a project of Vermont Conservation Voters.

Vermont Conservation Voters (VCV) is the non-partisan political action arm of Vermont's environmental community. Since 1982, our mission has been to defend and strengthen the laws that safeguard our environment. We work to elect environmentally responsible candidates. We then hold legislators accountable for the decisions they make affecting our air, water, communities, land, and wildlife.

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Goal: Implement Climate Solutions that Will Grow Jobs and the Economy and Spur an Equitable Transition to Efficient and Clean Energy Solutions

The Problem:

At a time when the federal government has launched an assault on our environment, states must take strong action to slow climate change and protect the health of families and communities, as well as the natural world that sustains us. The world's leading medical societies and hospitals are calling climate change a "global health emergency." And the world's leading climate scientists from the UN's Intergovernmental Panel on Climate Change, in their October 2018 report, said that avoiding the most catastrophic consequences of climate change will require "rapid, far-reaching and unprecedented changes in all aspects of society." How? Cut fossil fuel use by about half in 12 years.

While Vermont has made some progress, we are far from meeting our own statutory climate action commitments. In fact, the latest Agency of Natural Resources study shows Vermont's climate pollution rose 10% in just two years. Leadership to reverse this trend is urgently required.

We can and must take serious steps to reduce carbon pollution emissions. Doing so will create more energy independence, enhance public health, improve the lives of low-income Vermonters, and sustain our forests, which play a critical role in helping to slow climate change by taking carbon out of the atmosphere.

We can also generate tremendous economic opportunity – putting Vermonters to work weatherizing homes, deploying advanced wood heat and heat pumps, installing solar, providing more efficient transportation options, and much more. What we are missing is the political will and public policy framework needed to meet the challenge. By implementing the policy proposals laid out here, we can start making meaningful progress now, and build towards bolder climate action in the future.

Proposed Legislative Solutions:

- ✓ **Double the number of low- and moderate-income homes weatherized every year.**
- ✓ **Create an electric vehicle incentive program, prioritizing low- and middle-income Vermonters, using the \$4.5 million in consumer protection VW settlement dollars (and related funds) as an initial investment, and direct the remaining federal VW settlement dollars to vehicle electrification.**
- ✓ **Join other New England states in enacting a Global Warming Solutions Act to require progress on our climate commitments.**
- ✓ **Expand the deployment of local renewable power to electrify more of our heating and transportation needs.**
- ✓ **Prohibit the expansion of new large-scale industrial fossil fuel infrastructure, like pipelines – an expensive, shortsighted investment in a soon-to-be stranded asset.**
- ✓ **Review the results of the impartial Joint Fiscal Office's economic analysis on ways to cut carbon pollution across our economy and advance the policy that works best for Vermont to reduce emissions, grow jobs, and protect the most vulnerable.**

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Goal: Establish a Long-Term Clean Water Funding Source

The Problem:

Clean water is essential to Vermonters' health, economy, and way of life. Healthy waters underpin our tourism and recreation economies, are essential to thriving businesses and our favorite paddling, swimming, and fishing holes, provide necessary habitat for birds and wildlife, and provide us with safe drinking water. Sadly, water pollution in Vermont is resulting in pervasive cyanobacteria blooms and contaminated drinking water supplies. Polluted water is putting Vermonters' health at risk, decreasing property values, and threatening Vermont's vital tourist economy.

Water quality in Lake Champlain, for example, has been a serious problem for decades. In 2015, the U.S. Environmental Protection Agency (EPA) – as a result of lawsuits to protect the Lake brought by the Conservation Law Foundation (CLF) – required Vermont to ramp up its efforts to cut pollution and clean up Lake Champlain. The EPA ordered Vermont to develop a revised total maximum daily load (TMDL) cleanup plan. The passage of Vermont's Clean Water Act (Act 64) in 2015 was a major part of Vermont's commitment to the EPA under the revised TMDL. Act 64 included new regulations, better enforcement tools, and interim funding for water quality. Act 64 applies to waters statewide because, unfortunately, Lake Champlain is just one of many impaired waters across the state. For example, last year the EPA approved a new TMDL requiring cleanup of Lake Memphremagog.

To successfully implement Vermont's Clean Water Act (Act 64), EPA-mandated cleanup plans, and other laws essential to meeting Vermont's Water Quality Standards, the state must effectively implement and enforce our existing pollution regulations. Importantly, the state must also establish a stable long-term funding source to implement on-the-ground projects essential to

Proposed Legislative Solutions:

- ✓ **Enact a long-term, stable revenue source for clean water investments that will be sufficient to implement the Vermont Clean Water Act (Act 64) and meet our other economic, legal, and moral obligations to ensure healthy, safe water for all Vermonters.**
- ✓ **Develop a Clean Water Fund distribution model that delivers resources to high priority projects in a timely manner, and with a transparent and accountable system for tracking results.**

reducing pollution from farms, roads, and developed lands.

With farms being the single biggest contributor to water pollution, we must ensure that our regulations are strong enough, and that they are being adequately enforced. We support moving enforcement of agricultural clean water oversight to the Department of Environmental Conservation (DEC); developing better standards for tile drains; and funding innovative practices on farms, such as supporting farmers seeking to transition to organic and regenerative practices.

To meet our obligations to safeguard public health and the Vermont brand, we are calling on lawmakers to authorize a long-term, dedicated funding source that adequately invests in our water cleanup efforts. We also support developing an improved mechanism for getting those dollars to high priority projects on the ground that will reduce pollution and protect our waters.

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Goal: Enact Policies to Better Protect Vermonters' Health by Reducing Exposure to Toxic Chemicals in Drinking Water and Consumer Products

The Problem:

The discovery of toxic PFAS-contaminated drinking water in Bennington County in 2016 highlighted systemic problems. This class of chemicals, PFAS (per- and polyfluorinated alkyl substances - the "Teflon" chemicals), persist in the environment indefinitely, and are correlated with a range of negative health outcomes including high blood pressure, thyroid disease, and kidney and testicular cancers. PFAS contamination is being discovered at hundreds of sites around the country, impacting the drinking water of millions of Americans.

Unfortunately, PFAS is not the only toxic chemical in use. Tens of thousands of chemicals are registered for use in the U.S. without adequate health and safety testing. Even after public health concerns are identified, our federal laws fail to regulate the use of known toxic chemicals. To address this gap, Vermont has enacted a number of laws through the years to ban harmful chemicals in consumer products, and to require reporting of chemicals of high concern in children's products (Act 188).

Given the lack of federal action to reduce our exposure to toxic chemicals, Vermont must continue working to improve protections for our families' health and the environment, including our birds, fish, and wildlife. Following the PFAS contamination discovery in Bennington, the Vermont Legislature passed Act 154 in 2016 to establish a Chemical Use Working Group. This group recommended a series of policy improvements to better protect our families and communities from exposure to toxic chemicals.

In 2018, several working group recommendations were passed by the Legislature but were vetoed by Governor Phil Scott. These provisions included steps to improve the process for identifying chemicals of high concern to children's health, and to consider restricting the use of the most harmful chemicals in our children's

Proposed Legislative Solutions:

- ✓ **Pass legislation to update the Toxic-Free Families Act (Act 188) to collect more consumer-friendly information on toxic chemicals being used in children's products, and to improve the process for listing and phasing out the use of chemicals of high concern to children.**
- ✓ **Strengthen legal remedies to help Vermonters who have been exposed to hazardous chemicals, and hold polluters responsible for the harm caused by their use of toxic chemicals.**
- ✓ **Require lead testing and remediation of drinking water in all schools and child care facilities to ensure no Vermont children are drinking lead-contaminated water at school.**
- ✓ **Restrict the use of toxic PFAS chemicals in firefighting foam.**

products. Further, a bill passed the Legislature that would have shifted the burden of paying for the harms caused by toxic contamination onto the corporation that used and profited off the chemicals, rather than the costs being borne by Vermonters who were harmed. We urge the Legislature to again pass these policies in 2019, as well as to pursue other policies to reduce Vermonters' potential exposure to harmful chemicals, such as by requiring testing for the neurotoxin lead in the drinking water in all Vermont schools, and banning the unnecessary use of firefighting foam that contains cancer-causing PFAS chemicals.

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Goal: Modernize Act 250 to Better Address 21st Century Environmental Challenges, to Better Protect Our Natural Resources and Working Lands, and to Build Upon Our Traditional Settlement Patterns

The Problem:

Historic downtowns, open spaces, and active working lands are quintessentially Vermont. Vermont has been able to maintain many of its picturesque landscapes and historic settlements, in large part thanks to Act 250. Act 250 has guided large-scale development in the state since 1970, with the goals of safeguarding our farms and forests, preventing sprawl, protecting our natural resources, preserving and enhancing habitat for birds, fish and wildlife, and helping our towns balance growth with community health and welfare.

Act 250 is an environmental review and permitting process that regulates development in Vermont by reviewing the largest development projects for their potential impacts on the surrounding area. There are ten criteria used to evaluate a project, related to issues such as water, transportation, and conformance with local and regional plans.

There are many ways the Vermont we know and love has been shaped by Act 250. For example, Act 250's review of impacts to agricultural land has helped keep more of this important, finite resource from being permanently lost to development. Act 250 has protected vital wildlife habitat, such as bear habitat and deer wintering areas, helping to ensure that we have healthy wildlife populations. Act 250 has played a vital role in ensuring developments address impacts on rivers, streams, lakes, ponds, and floodways. And Act 250 has provided a voice for Vermonters in helping shape significant projects that include major ski area expansions, quarrying, major housing developments, and industrial development.

While Act 250 has served Vermont well, there are environmental challenges that exist today that were not a focus of concern in 1970 when the policy was enacted. In recognition of this, in 2017, the Vermont Legislature established the *Commission on Act 250: The Next 50 Years* to examine ways to improve Act 250 as the program approaches its 50th year. The Commission's report was released in January 2019, and demonstrates that Act 250 is not meeting important policy goals – particularly those related to our land use patterns. Modernization provides an opportunity

Proposed Legislative Solutions:

✓ Support Act 250 modernization policies that will:

- Protect and maintain the viability of agricultural and working forest lands, and reduce the fragmentation of intact forests.
- Improve protections for our natural resources, including birds, fish and wildlife.
- Help enrich downtowns and villages and reduce sprawl by promoting compact development while discouraging scattered, incremental development.
- Update criteria in a way that ensures development reduces energy use and makes Vermont more resilient against climate change.
- Adopt an improved appeals process that is more efficient, more affordable, and more accessible to affected members of the public.
- Provide more capacity, training, and resources to District Commissioners in order to improve the review process for the 21st century.
- Ensure that Act 250 continues to serve a key role in shaping development in Vermont, along with local planning and development review, state investments, and other policies.

to ensure our forests, waterways, and wildlife habitats are maintained; our water and air are kept clean; our working lands are developed sustainably; our communities remain vibrant through the economic vitality of our downtowns; and our environment is resilient against climate change.

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Additional Environmental Priorities for 2019

Goal: Invest in our downtowns and villages, working lands, and natural areas

Vermonters have long worked to maintain a vital working landscape and thriving downtowns and villages. These compact centers also enable us to meet other important state goals, including helping save energy by providing transportation choices, offering vibrant spaces for small businesses, protecting and enhancing habitat for birds, fish and wildlife, and providing an appealing setting and variety of housing choices for people at all stages of their lives. A variety of regulatory programs and financial incentives help us maintain our healthy environment alongside vibrant communities. These programs should be robustly invested in, as important drivers of rural economic development.

Legislative Priorities:

- ✓ **Appropriate full statutory funding for the Vermont Housing and Conservation Board.**
- ✓ **Appropriate full statutory funding for the Municipal and Regional Planning Fund that enables communities and Regional Planning Commissions to meet various statutory goals related to maintaining healthy forests, meeting our climate and energy goals, and providing affordable housing and transportation options for Vermonters.**
- ✓ **Maintain strong funding for Downtown and Village Tax Credits.**
- ✓ **Invest \$3 million annually for the next five years in the Working Lands Enterprise Fund to support the transition of farm and forest enterprises and ensure a dynamic future for the working landscape that defines Vermont.**

Goal: Zero Waste

Implementing strategies to reduce the amount of waste we generate, and improving how we manage waste, can help the state break out of use and disposal patterns that are inefficient, expensive, and produce harmful pollution – including greenhouse gas pollution and toxic chemicals that leach into state waters. In 2012, in response to stagnating recycling rates in the state, the Vermont Legislature enacted Act 148 that phased in mandatory recycling and composting over a number of years. We must maintain our commitment to this important legislation, and our successful “Bottle Bill,” while seeking policies to reduce our reliance on single-use plastics and continuing to improve statewide recycling and composting rates.

Legislative Priorities:

- ✓ **Reduce the use of single-use plastics by banning disposable plastic bags and polystyrene, and requiring that straws only be offered upon request.**
- ✓ **Modernize the “Bottle Bill” to cover a wider range of beverages on the market, and increase the deposit from a nickel to a dime.**
- ✓ **Maintain our statutory commitment to mandatory recycling and composting.**



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